

# California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS
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TITLE 02. FAIR POLITICAL PRACTICES COMMISSION  Conflict of Interest Code — Notice File No. Z06–0321–06  Muli–County: Watershed Conservation Authority  State Agency: State Allocation Board  Department of Industrial Relations	369
TITLE 04. CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY  Community Clinic Grant Program of 2005 — Notice File No. Z06–0321–07	370
TITLE 08. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  Construction Safety Orders — Trigger Height for Production Residential Roofing —  Notice File No. Z06–0314–03	372
TITLE 16. BOARD OF ACCOUNTANCY  Fees — Notice File No. Z06–0321–05	375
TITLE MPP. DEPARTMENT OF SOCIAL SERVICES  IHSS Hourly Task Guidelines — Notice File No. Z06–0320–04	377
TITLE MPP. DEPARTMENT OF SOCIAL SERVICES  IHSS Quality Assurance Regulations — Notice File No. Z06–0320–02	379
TITLE MPP. DEPARTMENT OF SOCIAL SERVICES  IHSS Waiver Plus Program — Notice File No. Z06–0320–01	381
TITLE MPP. DEPARTMENT OF SOCIAL SERVICES  Refugee Resettlement Program Policy Amendments — Notice File No. Z06–0320–03	383
GENERAL PUBLIC INTEREST	
DEPARTMENT OF FISH AND GAME  CESA Consistency Determination for Gene Autry Trail UPRR Bridge Widening Project, Riverside County	385
(Continued on next page)	

Time-Dated Material

DEPARTMENT OF FISH AND GAME  CESA Consistency Determination for San Francisco Bay Sand Miners Project, Central San Francisco Bay and  Sacramento–San Joaquin Estuary	386
DEPARTMENT OF FISH AND GAME  CESA Consistency Determination for South Bay Aqueduct Improvement and Enlargement Project,  Alameda County	386
DEPARTMENT OF FISH AND GAME Study of California Least Tern	386
Regulations filed with the Secretary of State	

The California Regulatory Notice Register is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the California Regulatory Notice Register shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the California Regulatory Notice Register be retained for a minimum of 18 months.

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# PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

#### **ADOPTION**

MULTI-COUNTY: Watershed Conservation Authority

#### **AMENDMENT**

STATE AGENCY: State Allocation Board
Department of Industrial
Relations

A written comment period has been established commencing on March 31, 2006 and closing on May 15, 2006. Written comments should be directed to the Fair Political Practices Commission, Attention Trish Mayer, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above—referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re—submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 15, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re–submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

### TITLE 4. CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

#### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Health Facilities Financing Authority (the "Authority") proposes to adopt on a permanent basis emergency regulations codified at California Code of Regulations, title, 4, sections 7075 through 7099 to implement the Community Clinic Grant Program of 2005, and to repeal on a permanent basis California Code of Regulations, title 4, sections 7000 through 7017.

#### **PUBLIC HEARING**

The Authority has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed regulatory action to the Authority. The written comment period will close at 5:00 p.m. on May 15, 2006. The Authority will only consider comments received at the Authority offices on or before that time. Written comments, inquiries and any questions regarding the substance of the Regulations must be submitted or directed to:

Greg Rogers, Deputy Executive Director California Health Facilities Financing Authority 915 Capitol Mall, Suite 590 Sacramento, California 95814 (916) 653–2408

#### **AUTHORITY AND REFERENCE**

The Authority has the implied power to repeal and adopt the following regulations to implement, interpret, and make specific Government Code sections 15438(q) and 15438.6 based on the following express statutory powers:

- 1. Government Code section 15438.6, subdivision (d) provides that "the authority, in consultation with representatives of primary care clinics and other appropriate parties, shall develop selection criteria and a process for awarding grants under this section;" and
- 2. Government Code section 15438, subdivision (o) provides that "the authority may enter into any and all agreements or contracts . . . execute any an all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the authority or to carry out any power expressly granted by this part."

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code sections 15430 through 15462.5 establishes the California Health Facilities Financing Authority for the purpose of financing the acquisition and construction of health facilities. The Authority is authorized to receive gifts, grants, or donations of moneys from various sources, and to make grants to eligible health facilities. (Gov. Code § 15438, subd. (d), subd. (r) and 15438.7.) All moneys received by the Authority must be deposited into the Authority's fund. (Gov. Code § 15439, subd. (e).)

In 2000, the Legislature enacted the Cedillo–Alarcón Community Clinic Act, codified at Government Code section 15438.6, which appropriated \$50 million and authorized the Authority to award grants to eligible non–profit, community based primary care clinics for the purpose of financing capital outlay projects ("Community Clinic Grant Program" or "grant program"). Government Code section 15438.6, subdivision (d) requires the Authority to develop selection criteria and a process for awarding grants.

In 2001, the Authority promulgated and adopted California Code of Regulations, title 4, sections 7000 through 7017 to implement the grant program. The \$50 million appropriated in 2000 was disbursed and the grant program became inactive. In 2005, the grant program was appropriated additional funding. In December 2005, the Authority repealed on an emergency basis sections 7000 through 7017 implementing the old grant program, and adopted on an emergency basis sections 7075 through 7099 implementing the new grant program.

Once permanently adopted, sections 7075 through 7099 will describe the selection criteria and process that the Authority will use when awarding grants to eligible primary care clinics.

#### MATERIAL INCORPORATED BY REFERENCE

As permanently adopted, section 7080 will incorporate by reference The Community Clinic Grant Program of 2005 Grant Application Form # CHFFA 6 Rev. 10–2005, the application form that grant applicants will be required to complete and send to the Authority when applying for a grant. Section 7080 will also incorporate by reference The Community Clinic Grant Program of 2005 Overview and Instructions for Grant Application Form # CHFFA 6A Rev. 10–2005, a grant application instruction guide for grant applicants.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None. Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not create or eliminate jobs within California; create new businesses or eliminate existing businesses within California; or affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The Authority has determined that the proposed regulation may affect small business.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Authority must determine that no reasonable alternative that the Authority considered or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### **CONTACT PERSON**

Written comments, inquiries and any questions regarding the proposed administrative action must be submitted or directed to:

Greg Rogers, Deputy Executive Director California Health Facilities Financing Authority 915 Capitol Mall, Suite 590 Sacramento, CA 95814 (916) 653–2408

The following person is designated as a backup contact person for inquiries regarding the proposed administrative action:

Ray Artinian, Treasury Program Manager California Health Facilities Financing Authority 915 Capitol Mall, Suite 590 Sacramento, CA 95814 (916) 653–3841

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information to Mr. Artinian at the above address.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall during normal business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the initial statement of reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Agency Contact Person designated in this notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and

other materials related to this proposed regulatory action. In addition, the rulemaking file, including the initial statement of reasons and the proposed text, may be viewed on the Authority's website at http://www.treasurer.ca.gov/chffa.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may pursue the regulatory proposal substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified Regulations should be addressed to the Agency Contact Person identified in this Notice.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

## TITLE 08. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On May 18, 2006, at 10:00

a.m. in the Council

Chambers, Second Floor 613 E. Broadway, Glendale,

California 91026.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On May 18, 2006, following

the Public Meeting in the Council Chambers, Second

Floor,

613 E. Broadway, Glendale,

California 91026.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On May 18, 2006, following

the Public Hearing in the Council Chambers, Second

Floor,

613 E. Broadway, Glendale,

California 91026.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

#### NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on April 20, 2006.

#### 1. <u>TITLE 8</u>: <u>CONSTRUCTION SAFETY</u> <u>ORDERS</u>

Chapter 4, Subchapter 4, Article 30, Section 1730 and New Section 1731 **Trigger Height for Production** 

**Residential Roofing** 

A description of the proposed changes are as follows:

### 1. <u>TITLE 8</u>: <u>CONSTRUCTION SAFETY</u> <u>ORDERS</u>

Chapter 4, Subchapter 4, Article 30, Section 1730 and New Section 1731

### Trigger Height for Production Residential Roofing

The current fall protection trigger height for roofing operations is 20 feet. The Petitioner is requesting that the trigger height be reduced to 15 feet for new, production—type residential roofing operations only.

The Petitioner listed three concerns as the basis for the petition:

- Worker safety. The Petitioner noted that, although it has been problematic in the past to provide fall protection for roofers on new, two-story production housing, most problems have been solved by significant advances in fall protection devices that are now available.
- 2. Insurance costs. The Petitioner states that minimizing accidents and the related injury costs will benefit both employers and employees.
- 3. Bidding issues. The existing 20-foot trigger height clearly involved dwellings three-stories or higher. However, due to the trend toward higher ceiling heights in California, it is no longer uncommon for two-story dwellings to have a 20-foot height from eave line to the ground level below. Furthermore, a much higher percentage of residential construction today is two-story due to cost and limited availability of land in California. This is problematic for bidding because contractors often may not know until well into construction if the 20-foot roofing trigger height will apply.

Existing Section 1730, Roof Hazards, prescribes a trigger height of 20 feet for all roofing operations. This proposal would create an exception to Section 1730 which would direct the public to proposed new Section 1731 for roofing work on new production—type residential construction with roof slopes 3:12 or greater. New Section 1731 is proposed to apply only to new production—type (i.e., tract—type) housing, condominium structures and apartment buildings. It is not proposed to apply to custom—built homes, re—roofing operations or additions to existing residential dwelling units.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

#### Section 1730, Roof Hazards.

An exception is proposed to be added at the end of Section 1730. The exception would refer the regulated public to Section 1731 for roofing work on new production—type residential construction with roof slopes 3:12 or greater. The effect of this exception would be to clarify that provisions for roofing work on new, production—type residential construction are covered by a vertical (industry—specific) standard.

### <u>Section 1731 — Roof Hazards — New Production-Type Residential Construction.</u>

This proposed new section is added to harmonize the fall protection trigger height for roofing work on production—type residential roofing with the trigger height for residential—type framing activities which are covered in Section 1716.2. The effect of this new section would be to provide a single uniform 15—foot trigger height for the majority of work performed during the early phases of production—type residential construction work; i.e., during framing and roofing operations and it would improve worker safety.

#### Subsection (a), Scope and Application.

This proposed new subsection identifies the scope and application of this section. It would apply only to roofing work on new production—type residential construction with roof slopes 3:12 or greater. It would not apply to custom—built homes, re—roofing operations, roofing replacements or additions on existing residential dwelling units. A note directs the regulated public to Section 1730 for other roofing operations not covered by this section. The effect of this subsection would be to identify the scope and application of Section 1731.

#### Subsection (b), Definitions.

This proposed new subsection defines the terms: "custom-built home," "eaves," "production-type residential construction," "roof," "roof slope," and "roofing work." The effect of these definitions would be to describe the terms used in the application of Section 1731 in order to facilitate compliance.

#### Subsection (c), Fall Protection for Roofing Work.

This proposed new subsection prescribes fall protection requirements for construction: (1) where the roof slope is between 3:12 and 7:12, and (2) where the roof slope is 7:12 or greater. The effect of these provisions would be to provide fall protection that is at least as effective as that required by Federal OSHA Instruction STD 3–0.1A, Plain Language Revision of OSHA Instruction STD 3.1, Interim Fall Protection Compliance Guidelines for Residential Construction, Section XII, Alternative procedures for Group 4: Roofing Work (Removal, repair, or installation of weatherproofing roofing materials such as shingles, tile and tar paper). Therefore, these provisions would improve worker safety.

#### Subsection (d), Training.

This new subsection is proposed to supplement the Illness and Injury Prevention Programs prescribed in CSO Section 1509 and GISO Section 3203 by specifying industry–specific hazards in new production–type residential roofing activities for affected employees to receive training. The effect of this subsection would be to improve worker safety by ensuring that employees engaged in new production–type residential roofing operations receive training to provide specific awareness of the fall hazards associated with the roofing work the employee will be performing.

#### COST ESTIMATES OF PROPOSED ACTION

#### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

#### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

#### **Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### Cost Impact on Private Persons or Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact on private persons or businesses. Costs that may be incurred for the incremental reduction in trigger height from 20 to 15 feet cannot be accurately determined; however, the Petitioner (Cal PASC) indicates that their experience to—date has shown that incremental costs are equaled or exceeded by savings resulting from reduced workers compensation and liability insurance costs.

#### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

#### <u>Costs or Savings to Local Agencies or School</u> Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

## Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

#### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal. App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed standards may affect small businesses; however, no economic impact is anticipated.

#### **ASSESSMENT**

The adoption of the proposed standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board

would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than April 14, 2006. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 18, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further no-

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274–5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <a href="http://www.dir.ca.gov/oshsb">http://www.dir.ca.gov/oshsb</a>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing

the Board's website or by calling the telephone number listed above.

### TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hilton San Jose, 300 Almaden Blvd., in San Jose, CA 95110 at 11:00 a.m., on May 19, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office no later than 5:00 p.m. on May 18, 2006, or must be received by the California Board of Accountancy at the hearing. If submitted at the hearing, it is requested, although not required, that 25 copies be made available for distribution to Board members and staff. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5018 of the Business and Professions Code and to implement, interpret or make specific Sections 122, 163, 5096, and 5134 of the Business and Professions Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### Amend Section 70 of Title 16 of the California Code of Regulations.

Section 5010 of the Business and Professions Code authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the Accountancy Act. Business and Professions Code Section 5134 specifies the maximum fees that may be charged by the Board and provides that the biennial renewal fee be fixed by the Board so that the reserve balance in the Board's contingent fund shall be equal to approximately nine months of annual authorized expenditures.

Current Section 70 provides for a \$200 fee for the initial permit to practice and for biennial renewal of the permit to practice. This proposal would lower these fees to \$120 commencing on January 1, 2007, and ending on December 31, 2010. Commencing on January 1, 2011, these fees would be restored to the previous \$200 level unless a review to be conducted in 2009 indicates lower fees are necessary to make the balance in the Board's contingent fund equal to approximately nine months of annual authorized expenditures. The objective of this proposal is to achieve and maintain a balance in the Board's contingent fund that is equal to approximately nine months of annual authorized expenditures.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: It is anticipated that adoption of this proposal will enable the Board to achieve and maintain its contingent fund at an amount that is equal to approximately nine months of annual authorized expenditures.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### AND

The following studies were relied upon in making that determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

<u>Cost Impact on Representative Private Person or Business:</u>

The California Board of Accountancy has made a determination that the proposed regulatory action will result in a cost savings to licensees.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The California Board of Accountancy has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The California Board of Accountancy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above—mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

# AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Wong

Address: California Board of Accountancy

2000 Evergreen Street, Suite 250

Sacramento, CA 95815

Telephone No.: (916) 561–1788 Fax No.: (916) 263–3675 E–Mail Address: awong@cba.ca.gov

The backup contact person is:

Name: Mary Crocker

Address: California Board of Accountancy

2000 Evergreen Street, Suite 250

Sacramento, CA 95815

Telephone No.: (916) 561–1713 Fax No.: (916) 263–3675 E–Mail Address: mcrocker@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Wong at (916) 561–1788.

Web site Access: Materials regarding this proposal can be found at www.dca.ca.gov/cba.

## TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1205-21

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM#1 IHSS HOURLY TASK GUIDELINES

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 17, 2006, as follows:

(May 17, 2006) Office Building #9 744 P St. Auditorium Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above—referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsim-

ile to the address/number listed below. All comments must be received by 5:00 p.m. on May 17, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <a href="http://www.dss.cahwnet.gov/ord">http://www.dss.cahwnet.gov/ord</a>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### **CONTACT**

Office of Regulations Development California Department of Social Services 744 P Street, MS 7–192 Sacramento, California 95814

TELEPHONE: (916) 657–2586 FACSIMILE: (916) 654–3286 E–MAIL: ord@dss.ca.gov

#### **CHAPTERS**

Manual of Policies and Procedures (MPP), Division 30 (Social Services), Chapter 30–700 (In–Home Supportive Services), Sections 30–757 (Program Service Categories and Time Guidelines), 30–758 (Time Per Task Frequency Guidelines) and 30–780 (Personal Care Services Program[PCSP] Eligibility).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Social Services (CDSS) proposed an In–Home Supportive Services (IHSS)/Personal Care Services Program (PCSP) Quali-

ty Assurance (QA) Initiative as an element of the Governor's 2004/05 State Budget. The proposal outlined a number of activities to be performed by CDSS, the counties, and the California Department of Health Services (DHS) to improve the quality of IHSS/PCSP service need assessments, enhance program integrity, and detect and prevent program fraud and abuse. The QA proposal was adopted by the Administration. Funding for the new proposal was included in the Fiscal Year (FY) 2004/05 Budget Act along with projected savings expected to result from the program improvements.

As part of the QA Initiative, Senate Bill (SB) 1104 (Chapter 229, Statutes of 2004) amended Welfare and Institutions Code Section 12301.2 to require CDSS to work with county welfare departments and gain input from stakeholders to develop and implement statewide hourly IHSS/PCSP task guidelines for supportive services. The statute requires the development of hourly task guidelines, including exception criteria, to provide counties with a standard tool for assessing service needs and authorizing service hours when conducting both initial needs' assessments and reassessments. The guidelines must specify a range of time normally required for each supportive services' task that is necessary to ensure the health, safety, and independence of recipients receiving the services, and they must not result in cost shifting to other governmental services. Hourly task guidelines' regulations are required to be adopted by June 30, 2006. The proposed regulations implement and make specific the terms of Welfare and Institutions Code Section 12301.2.

#### **COST ESTIMATE**

- 1. Costs or Savings to State Agencies: Additional expenditures of approximately \$10.2 million in the current SFY. It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources.
- 2. Costs to Local Agencies or School Districts: Additional expenditures of approximately \$4.4 million in the current SFY which are not reimburseable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation implements the Federal mandate contained in Title XIX of the Social Security Act.
- 3. Nondiscretionary Costs or Savings to Local Agencies: None.
- 4. Federal Funding to State Agencies: Additional expenditures of approximately \$13.8 million in the current SFY.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will not result in any increased costs to local agencies.

### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code and Sections 12301 and 12301.2, as amended by SB 1104 (Chapter 229, Statutes of 2004). Subject regulations implement and make specific Welfare and Institutions Code Section 12301.2.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Rick Tones (916) 657–2659 Backup: Alison Garcia (916) 657–2586

### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD # 1105-20

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM#3 Quality Assurance Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 17, 2006, as follows:

May 17, 2006 Office Building #9 744 P St. Auditorium Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above—referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsim-

ile to the address/number listed below. All comments must be received by 5:00 p.m. on May 17, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <a href="http://www.dss.cahwnet.gov/ord">http://www.dss.cahwnet.gov/ord</a>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### **CONTACT**

Office of Regulations Development California Department of Social Services 744 P Street, MS 7–192 Sacramento, California 95814

TELEPHONE: (916) 657–2586 FACSIMILE: (916) 654–3286 E–MAIL: ord@dss.ca.gov

#### **CHAPTERS**

Manual of Policies and Procedures Division 30, Social Services Standards, Chapter 30–700 In Home Supportive Services, Sections 30–702 (County Quality Assurance and Quality Improvement), and 30–760 (Responsibilities).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Social Services (CDSS) proposed an In–Home Supportive Services/Personal Care Services Program (IHSS/PCSP) Quality Assurance (QA) Initiative as an element of the Gover-

nor's 2004/05 State Budget. The CDSS QA proposal was adopted by the Administration in Budget Trailer Bill, Senate Bill (SB) 1104 Chapter 229, Statute of 2004. The legislation outlined a number of enhanced activities to be performed by CDSS, the counties, and the California Department of Health Services (DHS) to improve the quality of IHSS/PCSP service need assessments, enhance program integrity, and detect and prevent program fraud and abuse. The legislation adopted Welfare and Institutions Code Section 12305.71. This section requires each county to establish a dedicated, specialized IHSS/PCSP QA function or unit to perform specific activities; including joint case review activities with CDSS and county QA staff. The proposed regulations implement and make specific these requirements. Current regulations do not require a QA monitoring function; however, some counties had established independent QA monitoring functions prior to any state or federal mandate to do so.

Funding for new State and county QA staff, the IHSS/PCSP training program, and systems changes, was included in the Fiscal Year (FY) 2004/05 Budget Act along with projected program savings expected as a result of the program improvements. These regulations implement the requirements of Welfare and Institutions Code Section 12305.71.

#### **COST ESTIMATE**

- 1. Costs or Savings to State Agencies: additional expenditures of approximately \$10.2 million in the current fiscal year. It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources.
- 2. Costs to Local Agencies or School Districts: None.
- 3. Nondiscretionary Costs or Savings to Local Agencies: additional expenditures of approximately \$4.4 million in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation implements the Federal mandate contained in Title XIX of the Social Security Act.
- 4. Federal Funding to State Agencies: additional expenditures of approximately \$13.8 million in the current State Fiscal Year.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. However, the regulations do not impose costs on local agencies that are reimbursable pursuant to Government Code Section 17500 et seq. in that the costs, if any, are costs mandated by the federal government within the meaning of Government Code Section 17513.

### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less

burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Welfare and Institution Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institution Code Section 12305.71 as adopted by SB 1104.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Fernando Sandoval (916) 657–2586 Backup: Alison Garcia (916) 657–2586

### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1105-18

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM#2 In-Home Supportive Services (IHSS)
Plus Waiver Program

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 17, 2006, as follows:

May 17, 2006 Office Building #9 744 P St. Auditorium Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above—referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 17, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <a href="http://www.dss.cahwnet.gov/ord">http://www.dss.cahwnet.gov/ord</a>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### **CONTACT**

Office of Regulations Development California Department of Social Services 744 P Street, MS 7–192 Sacramento, California 95814

TELEPHONE: (916) 657–2586 FACSIMILE: (916) 654–3286 E–MAIL: ord@dss.ca.gov

#### **CHAPTERS**

Manual of Policies and Procedures, Divison 30 (Social Services Programs), Chapter 30–700 (Service Program No. 7: In–Home Supportive Services), Section 30–700 (Program Definition), and Section 30–785 (In–Home Supportive Services (IHSS) Plus Waiver Program).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California submitted a Section 1115 Independence Plus Demonstration Project application on May 4, 2004 to provide aged, blind and disabled adults and children with self-directed personal care assistance and service delivery options. These services and options were available under the In–Home Supportive Services (IHSS) program that has been operating since 1973. The IHSS program was to be eliminated from the State's budget effective July 1, 2004. California sought to preserve these self–directed services and options through the demonstration project option under the authority in Section 1115 of the Social Security Act. These self directed services and options would enable certain participants to remain in their family residence or in their own homes and help to avert the need for higher cost institutional services.

On July 30, 2004, the U.S. Department of Heath & Human Services (DHHS), Medical Care Services, approved this demonstration project as a Medicaid program. California will receive federal financial participation for these recipients who would have lost their services and options with the program cut. This new program is called the In–Home Supportive Services (IHSS) Plus Waiver.

Senate Bill (SB) 1104, Chapter 229, Statutes of 2004, allows for the implementation of the IHSS Plus Waiver program in accordance with Welfare and Institutions Code Section 14132.951. Currently, counties are administering the IHSS Plus Waiver to eligible aged, blind and disabled individuals in California through an interim All County Letter #05–05.

Existing CDSS regulations only allow for the IHSS and the Personal Care Services Program (PCSP). The addition of the IHSS Plus Waiver regulations will guide this new program and add the program into the general In–Home Supportive Services regulations, MPP Chapter 30–700.

#### **COST ESTIMATE**

- Costs or Savings to State Agencies: Savings of approximately \$215 million in the current SFY.
- 2. Costs to Local Agencies or School Districts:
- 3. Nondiscretionary Costs or Savings to Local Agencies: Savings of approximately \$115.8 million annually.
- 4. Federal Funding to State Agencies: Additional expenditures of approximately \$330.7 million in the current SFY.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies but not on school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California.

nia Constitution because implementation of the regulations will not result in any increased cost to local agencies.

### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Section 1115 of the Social Security Act (42

USC 1315) and Welfare and Institutions Code Sections 10553, and 10554. Subject regulations implement and make specific Welfare and Institutions Code Sections 12305.1, 14132.951 (SB 1104, Ch. 229, Statutes of 2004) and Special Terms and Conditions (STC) for the California IHSS Plus Waiver, granted under section 1115 Demonstration Project.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Sonya Mangabay (916) 657–2586 Backup: Alison Garcia (916) 657–2586

## TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0705-12

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM#4 Refugee Resettlement Program Policy Amendments

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 17, 2006, as follows:

May 17, 2006 Office Building #9 744 P St. Auditorium Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above–referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 17, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of non–substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are attached/available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <a href="http://www.dss.cahwnet.gov/ord">http://www.dss.cahwnet.gov/ord</a>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### **CONTACT**

Office of Regulations Development California Department of Social Services 744 P Street, MS 7–192 Sacramento, California 95814

TELEPHONE: (916) 657–2586 FACSIMILE: (916) 654–3286 E–MAIL: ord@dss.ca.gov

#### **CHAPTERS**

Manual of Policies and Procedures, Division 44 (Standards of Assistance), Chapter 44–100 (Income), Section 44-111 (Payments Excluded or Exempt from Consideration as Income) and Chapter 44-200 (AU Composition and Need), Section 44-211 (Special Needs in CalWORKs); Division 69 (Refugee Program), Chapter 69-200 (Refugee Resettlement Program), Section 69-201 (General Statement), Section 69-202 [United States Citizenship and Immigration Services (USCIS)], Section 69-205 [Eligibility for Refugee Cash Assistance (RCA)], Section 69–207 (Registration, Employment and Employment-Directed Education/Training Requirements), Section 69-208 (Cause Determinations), Section 69–209 (Penalties for Failure or Refusal to Accept Employability Services or Employment), Section 69–210 (Notices and Hearings), Section 69-211 (Aid Payments), Section 69-212 (Overpayment/Underpayment Adjustments and Fraud Referrals), Section 69-213 (Unaccompanied Refugee

Minors), Section 69–214 (Termination of Aid), and Section 69–216 (Case Records); Chapter 69–300 (Cuban/Haitian Entrant Program), Section 69–302 (Cuban/Haitian Entrants Status Requirements), Section 69–303 (Time–Eligibility), Section 69–304 (Terminology), and Section 69–305 (Unaccompanied Cuban/Haitian Entrant Minors)

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement 45 Code of Federal Regulations (CFR) Section 400, Subpart H, Child Welfare Services, in providing services under the Unaccompanied Refugee Minor Program. Proposed regulations reflect Unaccompanied Refugee Minor policies outlined in California's federally—approved State Plan. In accordance with 45 CFR 400.115 and Welfare and Institutions Code Section 300 or Probate Code Section 1500 or 1501, the foster family agency will establish protective legal custody for the child within 30 days of the child's arrival into the location of resettlement. Primary responsibility for the child's welfare is vested in Catholic Charities of San Jose, which ensures that the child receives the full range of child welfare benefits and services as provided to non—refugee children in foster care.

Existing regulations require amendments to provide direction regarding eligibility for certified victims of a severe form of trafficking to receive Refugee Cash Assistance (RCA) benefits. The Trafficking Victims Protection Act (TVPA) of 2000, Public Law (P.L.) 106–386 (8 United States Code 7105(b)(1)) makes victims of a severe form of trafficking of persons eligible for benefits and services to the same extent as refugees. The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, P.L. 108–193. The TVPRA also provides that certain family members of trafficking victims are eligible for benefits and services to the same extent as refugees effective December 19, 2003.

These proposed regulations will exempt any income in–kind provided by a private non–profit organization as income. This will make the RCA provision consistent with CalWORKs as required by 45 CFR 400.66(a)(1).

Proposed regulations will also repeal regulations which currently preclude recipients of RCA from receiving homeless assistance. The Office of Refugee Resettlement State Letter SL00–12 announced a substantial policy change that states asylees will be eligible for refugee assistance and services beginning on the date they are granted asylum. Because of the time it normal-

ly takes for an individual to apply for asylum and then proceed through the Immigration and Naturalization Service (INS) (now known as United States Citizenship and Immigration Services (USCIS)) adjudication process, most asylees do not have enough remaining time (of the eight months eligibility) to access and receive refugee cash and medical assistance and social services. Because asylees do not receive assistance from voluntary agencies, asylees may need homeless assistance. These regulations will allow RCA recipients to receive homeless assistance if they are otherwise eligible.

Existing regulations also require amendments for accuracy and clarification. Many of the amendments incorporate the name change of the INS to reflect the current name of USCIS. Others make grammatical and punctuation amendments that provide for clarity and ease of reading.

#### **COST ESTIMATE**

- 1. Costs or Savings to State Agencies: Only federal funds involved in the servicing of refugees.
- 2. Costs to Local Agencies or School Districts: None.
- Nondiscretionary Costs or Savings to Local Agencies: Only federal funds involved in the servicing of refugees.
- 4. Federal Funding to State Agencies: There is currently \$544,394 in federal funds included in the Fiscal Year 2005–06 estimate to serve unaccompanied minors. Victims of trafficking are included in the \$6,097,000 of federal funds serving refugees in the Refugee Cash Assistance Program.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are no "state—mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by and funded by the federal government.

### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 300, 10553, 10554, and 45 CFR 400.59(d). Subject regulations implement and make specific The Trafficking Victims Protection Act of 2000 (P.L. 106–386, Section 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107–296, Sections 451 and 471); The Trafficking Victims Protection Reauthorization Act of 2003 (P. L. 108–193); Refugee Resettlement Program (45 CFR 400 et seq.); Cuban/Haitian Entrant Program (45 CFR 401); California State Plan for Refugee/Entrant Assistance and Services 2004–2005 approved by ORR; ORR Statement of Goals, Priorities, Stan-

dards, and Guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Program as published in the Federal Register, Vol. 52, No. 198, dated October 14, 1987; ORR State Letter No. 00-12, dated June 15, 2000, Asylee Eligibility for Refugee Resettlement Program Benefits; ORR State Letter No. 01-13, dated May 3, 2001, The Trafficking Victims Protection Act of 2000; ORR State Letter No. 01-27, dated October 2, 2001, Reclassification to Unaccompanied Minor Program; ORR State Letter No. 02-01, dated January 4, 2002, The Trafficking Victims Protection Act of 2000 — Removal of Expiration Dates from Certification Letters for Adults and Eligibility Letters for Children; ORR State Letter No. 02-07, dated March 6, 2002, Reclassification of Unaccompanied Minors; ORR State Letter No. 04–12, dated June 18, 2004, The Trafficking Victims Protection Reauthorization Act of 2003 — Eligibility for Federally Funded or Administered Benefits and Services to the Same Extent as Refugees Extended to Certain Family Members of Victims of a Severe Form of Trafficking in Persons; and Assembly Bill 2635, Statutes of 1987, Chapter 1192.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Robin Garvey (916) 657–2586 Backup: Alison Garcia (916) 657–2586

#### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

<u>Department of Fish and Game — Public</u>
<u>Interest Notice</u>
For Publication March 31, 2006
CESA CONSISTENCY DETERMINATION FOR
Gene Autry Trail UPRR Bridge Widening Project
Riverside County

The Department of Fish and Game (Department) received notice on March 20, 2006 that the City of Palm Springs (City) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the widening of the existing bridge from two to six lanes on I–10 in Palm Springs, Riverside County, California. The bridge widening will take approximately 12 months to complete and will permanently impact 5.0 acres of Sonoran desert scrub habitat.

The U.S. Fish and Wildlife Service (Service), on September 23, 2004, issued to the Federal Highway Administration (FHWA), a no jeopardy federal programmatic biological opinion (FWS–ERIV–3282.6) which considers the Federally threatened and State endangered Coachella Valley fringe–toed lizard (*Uma inornata*) and authorizes incidental take. On November 7, 2005, the Service issued an appended programmatic biological opinion (FWS–ERIV–3282.6), which further clarified the project description and conservation measures.

Pursuant to California Fish and Game Code Section 2080.1, the City is requesting a determination that the federal biological opinion FWS–ERIV–3282.6 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City will not be required to obtain an incidental take permit under CESA for the proposed project.

#### DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public

Interest Notice

For Publication March 31, 2006

CESA CONSISTENCY DETERMINATION FOR
San Francisco Sand Mining Project
Central San Francisco Bay and
Sacramento—San Joaquin Estuary

The Department of Fish and Game ("Department") received notice on March 15, 2006 that Hanson Aggregates Mid–Pacific, Inc., RMC/CEMEX, Inc., and Jerico Products, Inc./Morris Tug & Barge ("Sand Miners") propose to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the annual removal by the Sand Miners of up to 2.6 million cubic yards of sand from the San Francisco Bay–Delta estuary.

The U.S. Army Corps of Engineers ("Corps") received a no jeopardy federal biological opinion (151422SWR2005SR00625:DPW) for the project from the National Marine Fisheries Service on March 9, 2006. The biological opinion considers the federally and state listed endangered Sacramento River winter–run Chinook salmon (*Oncorhynchus tshawytscha*) and the federally and state listed threatened Central Valley spring–run Chinook salmon (*Oncorhynchus tshawytscha*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Sand Miners are requesting a determination that the federal biological opinion

151422SWR2005SR00625:DPW is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the Sand Miners will not be required to obtain an incidental take permit under CESA for the proposed project.

#### DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public

Interest Notice

For Publication March 31, 2006

CESA CONSISTENCY DETERMINATION FOR

South Bay Aqueduct Improvement and

Enlargement Project

Alameda County

The Department of Fish and Game ("Department") received notice on March 15, 2006 that the Department of Water Resources ("DWR") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act. ("CESA"). This project consists of the improvement and enlargement of the South Bay Aqueduct (SBA) and Patterson Reservoir, construction of the Dyer Reservoir, and repaving of Dyer Road in Alameda County.

The U.S. Army Corps of Engineers ("Corps") received a no jeopardy federal biological opinion (1–1–05–F–0028) for the project from the U.S. Fish and Wildlife Service on March 1, 2006. The biological opinion considers the federally listed endangered and state listed threatened San Joaquin kit fox (*Vulpes macrotis mutica*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the federal biological opinion 1–1–05–F–0028 is consistent with CESA. If the Department determines that the biological opinion is consistent with CESA, DWR will not be required to obtain an incidental take permit under CESA for the proposed project.

#### DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public
Interest Notice
For Publication March 31, 2006
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring California Least Tern Nesting Colonies in
Ventura County, California

The Department of Fish and Game ("Department") received a proposal on February 16, 2006, from Mr.

Reed Smith, Ventura, requesting authorization to take California Least Terns (*Sterna antillarum browni*), a Fully Protected Bird, for research purposes, consistent with the protection and recovery of these species.

The applicant is in the process of obtaining the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from DFG for research on Fully Protected species. The proposed activities include approaching Least Tern nesting areas to gather necessary data used in monitoring nesting status and identifying threats from humans and predators. Data would be collected by observation of Least Tern adults, chicks, eggs, and nest sites; collection of dead terns and eggs for reposit in a specimen collection of an approved scientific institution will also be authorized. DFG intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As this bird is also a federally-listed endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue the authorization on or after April 30, 2006, for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

### SUMMARY OF REGULATORY ACTIONS

## REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

#### **BOARD OF EDUCATION**

California Fresh Start Pilot Program

This emergency action adopts the California Fresh Start (CFS) Pilot Program mandated by S.B. 281 (Stats. 2005, Chap. 236).

Title 5

California Code of Regulations

ADOPT: 15566, 15567, 15568, 15569

Filed 03/16/06 Effective 03/16/06

Agency Contact: Debra Strain (916) 319–0641

#### **BOARD OF EDUCATION**

California High School Exit Examination

In this emergency regulatory action, the Board of Education adopts and amends regulations pertaining to the California High School Exit Examination, particularly relating to (1) the data reporting requirements of Education Code sections 60851 and 60852.3 involving students with disabilities, and (2) testing opportunities for eligible adult students.

Title 5

California Code of Regulations

ADOPT: 1207.1, 1207.2 AMEND: 1204.5

Filed 03/16/06 Effective 03/16/06

Agency Contact: Debra Strain (916) 319–0641

### DEPARTMENT OF INDUSTRIAL RELATIONS Workers' Compensation Information System

This action updates the Workers Compensation Information System protocol whereby claims administrators must transmit reports of injury and payment information to the Workers Compensation Information System by way of electronic data interchange.

Title 8

California Code of Regulations AMEND: 9701, 9702, 9703

Filed 03/22/06

Effective 04/21/06

Agency Contact: Destie Overpeck (415) 703–4659

#### **DEPARTMENT OF JUSTICE**

International Student Exchange Registry

The Department of Justice has been given specific authorization to adopt regulations regarding supervision of international student exchange visitor placement organizations. This rulemaking is an amendment to Title 11, CCR Sections 351, 357, 371, 376, 377, 378, and 380. Most of the amendments are non—substantive in nature. This amendment includes an update on the contact information listed in the CCR for DOJ. Additionally this program was under the auspices of the United State Information Agency (USIA), but in 1999

this agency was abolished and absorbed into the U.S. Department of State so this amendment also corrects any mention of the USIA. DOJ also clarifies that prior to being registered under this program, nonprofit organizations must first comply with the requirement in Government Code Section 12580 et seq. which is "the Supervision of Trustees and Fundraisers for Charitable Purposes Act." The final amendment in this package is to clarify that organizations registered for this program must renew their registrations with the Attorney General by January 15. If an organization registers after this date their registration expires on January 14th of the following year.

Title 11

California Code of Regulations

AMEND: 351, 357, 371, 376, 377, 378, 380

Filed 03/15/06 Effective 04/14/06

Agency Contact: Jeffery M. Ogata (916) 327–6820

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Financial Responsibility Requirements

The Department of Toxic Substances Control is amending sections 66264.147, 66264.151, and 66265.147, title 22, California Code of Regulations in order to bring them into compliance with federal regulations pursuant to Health and Safety Code section 25159.1.

Title 22

California Code of Regulations

AMEND: 66264.147, 66264.151, 66265.147

Filed 03/20/06 Effective 04/19/06

Agency Contact: Joan Ferber (916) 322–6409

### FISH AND GAME COMMISSION Scorpionfish

This action amends the season limits for take of California scorpionfish in the Southern Rockfish and Lingcod Management Area.

Title 14

California Code of Regulations

AMEND: 27.82 Filed 03/20/06 Effective 03/20/06

Agency Contact: Jon Snellstrom (916) 653–4899

#### FISH AND GAME COMMISSION

Trawl Nets Inside the Golden Gate Bridge

This regulation is being amended to open a small section to commercial shrimp trawlers that was previously off limits. The goal is to increase the take of Bay shrimp

for commercial fishermen. This fishery targets Bay shrimp (Crangon sp) and several species of bait fish. This rulemaking also adds an additional species of baitfish—the plainfin midshipman—to the allowable species under the permit that limits trawl nets to certain districts. There are also some minor changes made—the deletion of a reference to the Menlo Park office which no longer exists and the removal of some language that restates Fish and Game Code §7857(k).

Title 14

California Code of Regulations AMEND: 119, Appendix A

Filed 03/22/06 Effective 04/21/06

Agency Contact: Sherrie Koell (916) 653–4899

#### FISH AND GAME COMMISSION

Sturgeon Size Limit

Reduces the maximum size sturgeon permitted to be taken by anglers from 72 inches to 56 inches. Distinguishes the Green Sturgeon and White Sturgeon species. Prohibits the taking of any Green Sturgeon. Reduces the permissible take of White Sturgeon.

Title 14

California Code of Regulations

ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90,

27.95

Filed 03/20/06 Effective 03/20/06

Agency Contact: Sherrie Koell (916) 653–4899

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Column Stability for Structural Steel Erection

The regulatory action deals with column stability for structural steel erection. It provides an exception to section 1710(f)(1)(A). The exception permits the guying or bracing of columns when such guying or bracing provides the strength and stability required of steel columns anchored by a minimum of 4 anchor bolts.

Title 8

California Code of Regulations

AMEND: 1710(f) Filed 03/15/06 Effective 04/14/06

Agency Contact: Marley Hart (91

(916) 274–5721

# STATE WATER RESOURCES CONTROL BOARD Orphan Site Cleanup Account

This readopts emergency regulations (OAL file no. 05–1117–01E) that established the grant program for the removal of leaking petroleum underground storage tanks (UST) and the investigation and cleanup of petroleum contamination from USTs at sites that qualify as

Brownfields. The emergency regulations establish general definitions, eligibility requirements, a priority system for paying eligible applicants, funding limitations, and define the types of costs that qualify for funding.

Title 23

California Code of Regulations

ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

Filed 03/22/06 Effective 03/28/06

Agency Contact: Lori Brock (916) 341-5158

#### STRUCTURAL PEST CONTROL BOARD

Name Style — Company Registration

Structural Pest Control Board proposes amendments to eight regulations governing company name registration, supervision of registered companies and branch offices, citations and fines, continuing education, pesticide use, and report requirements for licensees.

Title 16

California Code of Regulations

AMEND: 1914, 1918, 1920, 1950, 1983, 1991,

1993, 1998 Filed 03/21/06 Effective 04/20/06

Agency Contact: Susan Saylor (916) 263-2540

### CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN OCTOBER 19, 2005 TO MARCH 22, 2006

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

#### Title 1

12/29/05 AMEND: 1038

#### Title 2

03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2. 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66

03/08/06	AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5,
	56.6, 56.7, 56.8

02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4

02/21/06 ADOPT: 18371

02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556

02/21/06 AMEND: 2320(a) (2)

02/21/06 ADOPT: 18361.10

02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700

01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150

01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27

AMEND: 18351 01/23/06

01/20/06 AMEND: 1897

01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300

01/17/06 ADOPT: 560 REPEAL: 560

12/29/05 AMEND: 18329.5, 18701, 18751

12/21/05 AMEND: 599.960, 599.961

12/20/05 AMEND: 18700, 18707, 18708

ADOPT: 20108, 20108.1, 20108.12, 12/12/05 20108.15. 20108.18, 20108.20.

20108.25, 20108.30, 20108.35,

20108.36, 20108.37. 20108.38, 20108.40, 20108.45, 20108.50,

20108.51, 20108.55, 20108.60,

20108.65, 20108.70, 20108.75, 20108.80

11/16/05 **AMEND: 1181** 

11/07/05 ADOPT: 1859.300, 1859.301, 1859.302,

1859.310. 1859.311. 1859.312. 1859.313, 1859.314, 1859.315,

1859.316, 1859.317, 1859.318,

1859.319. 1859.320, 1859.321,

1859.322. 1859.323. 1859.323.1.

1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328.

11/07/05 AMEND: 20107

10/31/05 AMEND: 1859.2, 1859.81, 1866

10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB

50-01

10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1

#### Title 3

03/07/06 AMEND: 3700(c)

03/01/06 AMEND: 3406(b)

02/22/06 AMEND: 3406(b)

02/21/06 AMEND: 3433(b)

02/21/06 AMEND: 3700(c)

02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND:

3591.19(a)

ADOPT: 3433 02/16/06

02/07/06 AMEND: 6502

02/02/06	AMENID 2700(A	75°41 - 5	
02/02/06	AMEND: 3700(c)	Title 5	ADODE: 1207.1 1207.2 AMEND.
01/12/06	AMEND: 6393, 6394, 6395, 6396	03/10/00	ADOPT: 1207.1, 1207.2 AMEND:
12/28/05	AMEND: 3406(b) ADOPT: 6576, 6950		1204.5
12/28/05	*	03/16/06	ADOPT: 15566, 15567, 15568, 15569
12/15/05	AMEND: 3700(a)	02/17/06	ADOPT: 19827 AMEND: 19814,
12/13/05	AMEND: 3700(c)		19814.1, 19851, 19853
12/01/05	AMEND: 3700(c)	01/19/06	ADOPT: 11987, 11987.1, 11987.2,
11/23/05	AMEND: 3406(b)	0 -1 - 2 , 0 0	11987.3, 11987.4, 11987.5, 11987.6,
10/25/05	AMEND: 3406(b)		11987.7
10/24/05	AMEND: 3433(b)	12/30/05	AMEND: 58050, 58164, 58168, 58170,
10/20/05	AMEND: 3591.19(a)	,,	58172
10/19/05	AMEND: 3406(b)	12/29/05	ADOPT: 4680, 4681, 4682, 4683, 4684,
Title 4		12/2//00	4685, 4686, 4687 AMEND: 4600, 4610,
02/28/06	AMEND: 4143		4611, 4620, 4621, 4622, 4630, 4631,
01/25/06	ADOPT: 12002, 12004, Appendix A		4632, 4633, 4640, 4650, 4651, 4660,
	AMEND: 12100, 12200, 12220, 12300		4662, 4663, 4664, 4665, 4670, 4910
01/20/06	ADOPT: 1843.6		REPEAL: 4661, 4671
01/09/06	ADOPT: 1902.5	12/12/05	ADOPT: 80033.2
01/09/06	ADOPT: 1690.1	12/07/05	AMEND: 43810
12/29/05	AMEND: 8070, 8071, 8072, 8073, 8074,	12/06/05	ADOPT: 11963.5 AMEND: 11704,
	8076	12/00/05	11963.2, 11963.3, 11963.4, 11963.5,
12/21/05	ADOPT: 12359		11963.6
12/14/05	AMEND: 7075, 7082, 7084, 7092, 7093,	11/17/05	AMEND: 41301 REPEAL: 41303,
	7094, 7098	11/17/05	41304
12/05/05	AMEND: 1977	11/15/05	AMEND: 6111
12/05/05	REPEAL: 1959.5, 1959.6, 1959.7,	11/10/05	AMEND: 19826.1
	1959.8, 1976.5, 1976.7	10/19/05	AMEND: 11900, 11905, 11915, 11920,
11/28/05	ADOPT: 7075, 7076, 7077, 7078, 7079,	10/17/03	11925, 11930, 11935
	7079, 7080, 7081, 7082, 7083, 7084,	TEVAL O	11723, 11730, 11733
	7085, 7086, 7087, 7088, 7089, 7090,	Title 8	ANTENID 0701 0702 0702
	7091, 7092, 7093, 7094, 7095, 7096,	03/22/06	
	7097, 7098, 7099 REPEAL: 7000, 7001,	03/15/06	AMEND: 1710(f)
	7003, 7004, 7005, 7006, 7007, 7008,	03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1,
	7009, 7010, 7011, 7012, 7013, 7013.		9781, 9782, 9783 REPEAL: 9780.2,
11/28/05	ADOPT: 503, 512, 515, 516, 517, 518,	00/00/06	9784
	519, 523, 524 AMEND: 500, 501, 502,	02/28/06	AMEND: 1644
	510, 513, 514, 520, 552, 530, 531, 533	02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642,
	REPEAL: 521	02/22/06	3646
11/23/05	AMEND: 4083	02/22/06	ADOPT: 8397.14, 8397.15, 8397.16
11/01/05	ADOPT: 10300, 10302, 10310, 10315,		AMEND: 8354, 8397.12
	10317, 10320, 10322, 10325, 10326,	02/14/06	AMEND: 31100
	10327, 10335, 10337	02/09/06	ADOPT: 296.0 296.1, 2.96.2, 296.3,
10/27/05	ADOPT: 7030, 7031, 7032, 7033, 7034,		296.4 AMEND: 290.1, 291.1, 291.2,
	7035, 7036, 7037, 7038, 7039, 7040,		291.3, 291.4, 291.5, 292.0, 293.0, 295.0
	7041, 7042, 7043, 7044, 7045, 7046,	02/09/06	AMEND: 15201, 15300, 15400,
	7047, 7048, 7049, 7050 AMEND: 7047,		15400.2, 15402.4, 15450.1, 15452,
	7048 REPEAL: 7049		15454, 15463
10/27/05	ADOPT: 9001, 9005, 9006, 9007, 9025,	01/27/06	AMEND: 100, 102
	9027, 9050, 9051, 9052, 9053, 9054,	01/27/06	AMEND: 1518
	9055, 9056, 9057, 9058, 9059, 9060,	01/25/06	AMEND: 1635
	9061, 9062, 9063, 9064, 9065, 9066,	12/20/05	AMEND: 3395
	9067, 9068, 9069, 9070 AMEND: 9020,	12/14/05	AMEND: 6632(f)
	9030, 9031, 9032, 9041, 9043	12/13/05	AMEND: 20299

10/05/05	1167175 1670	01/00/06	11 THE 000 1 000 2 000 2 000 1
12/05/05 11/22/05	AMEND: 4650 ADOPT: 13694	01/09/06	
11/22/05	ADOPT: 13694 ADOPT: 13680, 13681, 13682, 13683,	12/22/05	AMEND: 1005, 1007, 1008, D–1, D–10, D–14
11/22/03	13684, 13685, 13686, 13687, 13688,	12/15/05	AMEND: 51.12
	13689, 13690, 13691, 13692, 13693	12/01/05	ADOPT: 116.1
Title 9		11/22/05	ADOPT: 49.17
	AMEND: 3400	10/24/05	AMEND: 1070, 1081, 1082
01/19/06		Title 13	
12/30/05	ADOPT: 3100, 3200.000, 3200.010,	02/22/06	ADOPT: 225.35 AMEND: 225.03,
	3200.020, 3200.030, 3200.040,		225.09, 225.12, 225.18, 225.21, 225.42,
	3200.050, 3200.060, 3200.070,		225.45, 225.48, 225.51, 225.54, 225.72
	3200.080, 3200.090, 3200.100,	02/22/06	AMEND: 345.39, 345.45, 345.56,
	3200.110, 3200.120, 3200.130,		345.78
	3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	02/15/06	ADOPT: 1971.1
T:41 40	3400, 3403, 3410, 3413	02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12,
Title 10	AMEND, 2607 6		280.12, 285.06, 292.06, 340.13
03/09/06 02/28/06	AMEND: 2697.6 ADOPT: 2713, 2715.5, 2797, 2841.5,		AMEND: 330.08, 345.65 REPEAL:
02/28/00	3012.3 AMEND: 2716.5, 2770, 2791,	01/31/06	330.10, 345.67
	2792.32, 2795.1, 2846.1, 2846.5, 2846.7,	01/31/00	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021
	2849.01, 2930 REPEAL: 2708, 2709,		REPEAL: 1956.2, 1956.3, 1950.4
	2821,2822	01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16,
	AMEND: $2632.5(c)(1)(A)$		77.17
	AMEND: 2699.6600	01/18/06	AMEND: 553.70
01/31/06		01/13/06	AMEND: 2467, 2467.1
01/25/06	310.101 ADOPT: 2025, 2026, 2027, 2028, 2029,	01/12/06	ADOPT: 1875
01/23/00	2030	01/12/06	AMEND: 970 ADOPT: 253.02 AMEND: 345.16
01/23/06	AMEND: 2698.99	12/16/05 12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421,
01/23/06	ADOPT: 2592, 2592.01, 2592.02,	12/07/03	2423, 2425, 2426, 2427, Incorporated
	2592.03, 2592.04, 2592.05, 2592.06,		Test Procedures
	2592.07, 2592.08, 2592.09, 2592.10,	12/05/05	AMEND: 425.01
04/00/05	2592.11, 2592.12, 2592.13, 2592.14	11/08/05	AMEND: 550, 551.11, 551.12
	AMEND: 2498.6	10/27/05	AMEND: 2453, 2455
12/28/05 12/13/05	AMEND: 2498.5 AMEND: 2312, 2312.5, 2315	Title 14	
11/23/05	AMEND: 260.210, 260.211, 1726,	03/22/06	AMEND: 119, Appendix A
11/25/05	1950.122,2020	03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80,
11/16/05	AMEND: 2699.6600, 2699.6809	03/20/06	27.60, 27.90, 27.95 AMEND: 27.82
11/15/05	AMEND: 2690.1	03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
11/03/05	ADOPT: 2698.95.1, 2698.95.11,	03/01/06	AMEND: 851.23
	2698.95.12, 2698.96, 2698.97,	02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401,
	9698.97.1, 2698.98, 2698.98.1 AMEND:		2420, 2425, 2430, 2501, 2530, 2535,
10/20/05	2698.95 AMEND: 2318.6, 2353.1, 2354		2540, 2850
	AMEND. 2318.0, 2333.1, 2334	02/10/06	AMEND: 895, 895.1, 1038, 1038(f)
Title 11	AMEND: 351 257 271 276 277 279	02/09/06	ADOPT: 18459.1.2, Forms 203, 204
03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380		AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457,
02/22/06	AMEND: 51.19		18455.2, 18450, 18450.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3,
02/09/06	AMEND: 1001, 1015 REPEAL: 1020,		18460.1, 18460.1.1, 18460.2, 18460.2.1,
2_, 3,, 30	1021		18461, 18462, 18463, 18464, 18466,
01/31/06	ADOPT: 64.2		Penalty Tables 1&2
01/19/06		02/08/06	AMEND: 2310
01/11/06	ADOPT: 116.2	12/22/05	AMEND: 11900

12/19/05	ADOPT: 163.1 AMEND: 163, 164	12/15/05	ADOPT: 1399.454 AMEND: 1399.434,
12/06/05	ADOPT: 4970.02, 4970.03, 4970.04,		1399.436, 1399.450, 1399.451
	4970.05, 4970.06, 4970.07, 4970.08,	12/13/05	AMEND: 3005
	4970.09, 4970.10, 4970.11, 4970.12,	12/12/05	ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34,
	4970.13, 4970.14, 4970.15, 4970.16,		35, 35.1 AMEND: 70, 98
	4970.17, 4970.18, 4970.19, 4970.20,	12/02/05	ADOPT: 3067
	4970.21 AMEND: 4970.00, 4970.01	11/30/05	AMEND: 2542, 2542.1, 2547, 2547.1
	REPEAL: 4970.02, 4970.03, 4970.04,	11/29/05	AMEND: 1397.61(f)
	4970.05	11/21/05	AMEND: 1397.61(a)
12/02/05		11/18/05	AMEND: 1364.11
12/02/05	AMEND: 18660.5, 18660.6, 18660.10,	11/15/05	AMEND: 69, 75.5, 87.5, 89, 89.1, 95,
	18660.20, 18660.21, 18660.22,	11/15/05	95.2,95.3,95.4
11/20/05	18660.36, 18660.37	10/24/05	AMEND: 1399.50, 1399.52
11/30/05	ADOPT: 957.11, 957.12 AMEND: 957	10/20/05	
11/16/05	AMEND: 913.2 [933.2, 953.2], 913.11	10/20/05	
	[933.11,953.11]		AMEND: 1870, 1870.1, 1874
11/09/05	ADOPT: 1038(i) AMEND: 1038.2,	Title 17	
	1038(e)	12/29/05	ADOPT: 30105
11/02/05	AMEND: 632	11/10/05	AMEND: 54355, 56002, 56040
11/01/05	ADOPT: 2.45, 251.9	Title 18	
10/31/05	AMEND: 180.1	02/09/06	AMEND: 4055, 4056, 4057, 4058, 4059,
10/26/05	AMEND: 2516	02/02/00	4060,4061
10/25/05	AMEND: 11900	01/10/06	AMEND: 1S84
10/24/05	AMEND: 1251, 1252, 1252.1, 1253,	12/29/05	AMEND: 1620
	1254, 1256, 1257	12/27/05	
Title 15		12/09/05	
01/25/06	AMEND: 3482		110011.23100.3 11
01/23/06	AMEND: 3370	Title 20	A A CENTRA - TO . O.O.
01/19/06	AMEND: 3000, 3062, 3075, 3210	01/12/06	
12/15/05	AMEND: 3335	01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1,
12/15/05	AMEND: 3173.1		Appendix C AMEND: 1364, 1366,
12/03/03	ADOPT: 3999.2		1368.1, 1369, 1370, Appendix A,
11/21/03	AMEND: 3287		Appendix B REPEAL: 1363, 1365, 1368,
	AMEND. 3287	10/20/07	1368.5
Title 16		12/30/05	AMEND: 1601, 1602, 1603, 1604,
03/21/06	AMEND: 1914, 1918, 1920, 1950, 1983,		1605.1, 1605.2, 1605.3, 1606, 1607,
	1991, 1993, 1998		1608
03/14/06	REPEAL: 1530	Title 22	
03/13/06	REPEAL: 1515	03/20/06	AMEND: 66264.147, 66264.151,
03/13/06	ADOPT: 1034.1 AMEND: 1021, 1028,		66265.147
	1034	03/09/06	ADOPT: 12900
03/13/06	ADOPT: 1399.25	03/07/06	AMEND: 100058, 100066, 100078,
03/10/06	AMEND: 1566, 1566.1		100079
03/09/06	AMEND: 3351.3 and 3351.4	02/02/06	AMEND: 97170, 97172, 97174, 97178,
03/02/06	ADOPT: 2524.1, 2579.11	02/02/00	97180, 97184, 97188, 97190, 97198
02/27/06	AMEND: 1043, 1043.1, 1043.2, 1043.3,	01/31/06	ADOPT: 66250.1, 66250.2
	1043.4, 1043.6	01/23/06	AMEND: 51510, 51510.1, 51511,
02/24/06	AMEND: 3008, 3031, 3062.1		51511.5, 51511.6, 51535, 51535.1,
02/21/06	AMEND: 1833.1, 1870, 1870.1		51544,54501
02/07/06	ADOPT: 1379.19	01/20/06	AMEND: 4448
01/12/06	AMEND: 1313.01	01/17/06	AMEND: 14000
01/05/06	AMEND: 1399.710	01/17/06	AMEND: 12000
12/30/05	AMEND: 119.6, 120	12/30/05	ADOPT: 67384.1, 67384.2, 67384.3,
12/30/05	AMEND: 1820, 1970.4, 1991, 1996	· - <del>-</del>	67384.4, 67384.5, 67384.6, 67384.7,
12/27/05	AMEND: 3005		67384.8, 67384.9, 67384.10, 67384.11
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### CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 13-Z

12/27/05	ADOPT: 66262.44 AMEND: 66261.111,	12/09/05	ADOPT: 3939.20
	66262.10	12/02/05	ADOPT: 3989.2
12/19/05	ADOPT: 66264.151 AMEND:	12/01/05	ADOPT: 3939.15
	66264.115, 66264.120, 66264.143,	11/28/05	ADOPT: 2814.20, 2814.21, 2814.22,
	66264.145, 66264.147, 66265.115,		2814.23, 2814.24, 2814.25, 2814.26,
	66265.120, 66265.143, 66265.145,		2814.27, 2814.28, 2814.29, 2814.30,
	66265.147, 67450.13, 67450.30,		2814.31, 2814.32, 2814.33, 2814.34,
	67450.49		2814.35, 2814.36, 2814.37
11/10/05	ADOPT: 51000.6.1, 51000.10.1,	10/21/05	AMEND: 1062, 1063, 1064, 1065, 1066,
	51000.15.1, 51000.20.1, 51000.24.1,		1067, 1071, 1077, 3833.1 REPEAL: 793
	5100.25.1, 51000.25.2, 51000.31,	Title 25	
	51000.32, 51000.51, 51000.52,	02/07/06	AMEND: 1001
	51000.53, 51000.55, 51000.60, 51051	12/19/05	ADOPT: 11101, 13302 AMEND: 19200,
	AMEND: 51000.1, 51000.1.1, 51000.3,		19201, 19202, 19203, 19204, 19205,
	51000.4, 51000.6, 51000.7, 51000.16,		19206, 19207, 19300, 19301, 19400
	51000.30, 51000	12/07/05	AMEND: 1338.1 REPEAL: 1433.1
Title 23		11/07/05	AMEND: 5002, 5020, 5021, 5340, 5348
03/22/06	ADOPT: 2814.20, 2814.21, 2814.22,	Title 27	
<i>327 <b>22</b>7 33</i>	2814.23, 2814.24, 2814.25, 2814.26,	01/13/06	ADOPT: 15241, 15242
	2814.27, 2814.28, 2814.29, 2814.30,	11/17/05	AMEND: 21685
	2814.31, 2814.32, 2814.33, 2814.34,	Title 28	
	2814.35, 2814.36, 2814.37	12/14/05	AMEND: 1300.75.4
03/13/06	ADOPT: 3939.21	Title MPP	
02/01/06	ADOPT: 3989.3	02/10/06	AMEND: 63–103.2, 63–300.5,
01/20/06	ADOPT: 3939.17		63–402.229, 63—503.441, 63–509(b),
12/27/05	ADOPT: 3939.16		63–509(c), 63–801.737(QR)
12/20/05	ADOPT: 3957	01/23/06	AMEND: 42-101
12/15/05	ADOPT: 3939.18	01/12/06	AMEND: 11-400, 11-402, 11-403, and
12/09/05	ADOPT: 3939.19		11–406